

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

OCT 22 1997

PATRICK FISHER
Clerk

HASSAN NAMAZI,

Petitioner,

v.

IMMIGRATION &
NATURALIZATION SERVICE,

Respondent.

No. 96-9553
(Petition for Review)
(No. A 73 736 182)

ORDER AND JUDGMENT*

Before PORFILIO and LUCERO, Circuit Judges, and MARTEN,** District Judge.

After examining the briefs and appellate record, this panel has determined
unanimously to grant the parties' request for a decision on the briefs without oral

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

** The Honorable J. Thomas Marten, District Judge, United States District Court for the District of Kansas, sitting by designation.

argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Hassan Namazi is a native of Iran who fled to Venezuela and settled there for a number of years before he came to the United States. He filed an application for asylum, claiming persecution in both countries. He petitions for review of an order of the Board of Immigration Appeals which dismissed his appeal from the denial of his request for asylum. We deny the petition for review.

An immigration judge found that petitioner's application for asylum from Iran was barred because he was firmly resettled in Venezuela before he came to the United States. See 8 C.F.R. § 208.13(c)(2)(B) (formerly 8 C.F.R. § 208.14(d)(2)). The immigration judge also found that petitioner had not demonstrated a well-founded fear of persecution in Venezuela to support his application for asylum from that country. The immigration judge therefore denied petitioner asylum, but granted him withholding of deportation from Iran and voluntary departure. The Board of Immigration Appeals agreed in a written opinion, and dismissed petitioner's appeal.

We have reviewed the parties' briefs and the entire record, and affirm for substantially the same reasons as those given by the Board of Immigration Appeals in its December 3, 1996 order.

Petition for review DENIED.

Entered for the Court

Carlos F. Lucero
Circuit Judge